

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**W.E. AUBUCHON CO., INC., AUBUCHON  
DISTRIBUTION, INC., W.E. AUBUCHON  
CO. INC. EMPLOYEE MEDICAL  
BENEFIT PLAN, and AUBUCHON  
DISTRIBUTION, INC. EMPLOYEE  
MEDICAL BENEFIT PLAN,  
Plaintiffs,**

v.

**BENEFIRST, LLC,  
Defendant.**

**CIVIL ACTION NO.  
05-40159 FDS**

**DEFENDANT BENEFIRST, LLC'S  
MOTION TO ENFORCE THIRD-PARTY SUBPOENA**

Defendant BeneFirst, LLC ("BeneFirst") hereby requests this Court to enter an order pursuant to Federal Rule of Civil Procedure 45(c)(2)(B) compelling Northshore International Insurance Services ("Northshore") to produce certain documents requested by BeneFirst's duly served subpoena. BeneFirst hereby references and incorporates the attached memorandum and exhibits in support of this motion.

**REQUEST FOR ORAL ARGUMENT**

BeneFirst requests oral argument as to the issues raised by the foregoing motion; in particular the scope of Northshore's prior audits of BeneFirst, and the relevance of said audits to the issues in the present case and Federal Rule of Evidence 702.

Respectfully submitted,

**BeneFirst, LLC**, Defendant  
by its attorneys,

/s/ Stephen D. Rosenberg

Stephen D. Rosenberg [BBO# 558415]  
Eric L. Brodie [BBO# 639833]

**THE McCORMACK FIRM, LLC**  
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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), the undersigned, as counsel for Defendant BeneFirst, LLC, hereby certifies that he has conferred with counsel for plaintiffs in a good faith effort to resolve or narrow the issues raised by the foregoing motion.

/s/ Stephen D. Rosenberg

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing motion, the accompanying memorandum, and its attached exhibits were served on the following counsel of record via the Court's CM/ECF system on March 1, 2007:

Louis M. Ciavarra, Esq. lciavarra@bowditch.com  
Ryan T. Killman, Esq. rkillman@bowditch.com  
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with a paper copy served on the same date via regular U.S. Mail and Certified U.S. Mail, return receipt requested, to:

Adria L. Garneau  
Vice President  
**Northshore International Insurance Services**  
199 Rosewood Drive  
Danvers, MA 01923

/s/ Stephen D. Rosenberg